

Authority: Ontario Land Tribunal Decision issued on November 30, 2021 and Order issued on August 10, 2022 in Tribunal Case PL200613

CITY OF TORONTO

BY-LAW 1179-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2021 as 6080 Yonge Street and 11 Homewood Avenue.

Whereas the Ontario Land Tribunal, by its Decision issued on November 30, 2021 and Order issued on August 10, 2022 in respect of Tribunal Case PL200613, approved amendments to the City of Toronto Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2021 as 6080 Yonge Street and 11 Homewood Avenue; and

Whereas the Ontario Land Tribunal has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990. c. P.13, as amended to pass this By-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the By-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters as are set out in the By-law; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out in Schedule A of this By-law; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law, which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Ontario Land Tribunal, by Order, amends By-law 569-2013 as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands subject to this By-law from a zone label of CR 1.0 (c1.0; r1.0) SS3 (x87) and RD (f15.0; a550) (x71) to a zone label of RAC (f43.0; a3375; u259; d6.0) (x189) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.8.10 Exception Number (189) so that it reads:

(189) Exception RAC 189

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions:

Site Specific Provisions:

- (A) On 6080 Yonge Street and 11 Homewood Avenue, if the requirements of Section 6 and Schedule A of By-law 1179-2022(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (Q) below;
- (B) Despite Regulations 15.5.40.10(1) and 15.20.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 190.7 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 15.20.30.40(1), the permitted maximum lot coverage for all the buildings on the lands, is 68 percent of the lot area;
- (D) Despite Regulation 15.20.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law 1179-2022(OLT);
- (E) Despite Regulation 15.20.40.10(2), the permitted maximum number of **storeys** in a **building** is the number following the letters "ST" as shown on Diagram 3 of By-law 1179-2022(OLT);
- (F) Despite Regulation 15.5.40.10(2) to (5) and (D) above, the following equipment and structures may project above the maximum height shown on Diagram 3 of By-law 1179-2022(OLT):
 - (i) parapets, trellises, window washing equipment, guardrails, safety railings, stairs, stair enclosures, vents, stacks, fences, wind or privacy screens, landscape elements (including green roofs), skylights, flues, access roof hatch, chimneys, structures on the roof used for outside or open air recreation, ramp enclosures, heating, cooling or ventilating equipment or a fence, wall or structure enclosing such elements which may project above the height limits to a maximum of 3.5 metres;

- (ii) mechanical penthouses, elevator overruns and associated enclosures, which may project above the height limits to a maximum of 7.0 metres;
- (G) Despite Regulation 15.20.40.40(1), the total **gross floor area** of all **buildings** and **structures** must not exceed 20,400 square metres;
- (H) Despite Clause 15.20.40.70 the required minimum **building** setbacks are shown on Diagram 3 of By-law 1179-2022(OLT);
- (I) Despite Regulations 15.5.40.50(2), 15.5.40.60(1) and (3) and (H) above, the following elements may encroach into the required minimum **building** setbacks as follows:
 - (i) exterior stairways, cornices, canopies, waste storage and loading space enclosures, wheelchair ramps, balconies, lighting fixtures, awnings, ornamental elements, eaves, window sills, window washing equipment, balustrades, terraces, decorative architectural features, bay windows, retaining walls, pilasters and sills, and porches and decks, either excavated or unexcavated, to a maximum of 2.5 metres;
- (J) Despite Regulation 15.5.50.10(1), a minimum of 24 percent of the area of the lot must be for **landscaping**;
- (K) Regulation 15.5.100.1(2) does not apply;
- (L) Despite Regulation 15.20.40.1(2), the maximum number of **dwelling units** on the lot shall not exceed 259;
- (M) Despite Clause 15.20.40.50, **amenity space** shall be provided as follows:
 - (i) a minimum rate of 2.0 square metres of indoor **amenity space** per new apartment **dwelling unit**; and
 - (ii) a minimum rate of 2.0 square metres of outdoor **amenity space** per new apartment **dwelling unit**;
- (N) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** for **dwelling units** shall be provided and maintained as follows:
 - (i) a minimum rate of 0.7 **parking spaces** per apartment **dwelling unit** for residents and visitors; and
 - (ii) a minimum of 1 **parking space** per 100 square metres for non-residential use;
- (O) Regulation 200.15.1(4) with respect to the location of accessible **parking spaces** does not apply;

- (P) Despite Regulation 220.5.10.1(2), a minimum of one Type "G" **loading space** shall be provided on the lands;
 - (Q) Despite Regulations 230.5.10.1(1),(3) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided and maintained in accordance with the following minimum rates:
 - (i) a minimum of 0.68 "long-term" **bicycle parking spaces** for each dwelling unit; and
 - (ii) a minimum of 0.07 "short-term" **bicycle parking spaces** for each dwelling unit.
5. Despite any severance, partition or division of the lands, the provisions of this By-law shall as if no severance, partition or division occurred.
6. Section 37 Provisions:
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in **height** and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 attached to this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this By-law and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
 - (B) Where Schedule A attached to this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on the satisfaction of the same; and
 - (C) The owner shall not use, or permit the use of, a **building** or **structure** erected with an increase in **height** and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

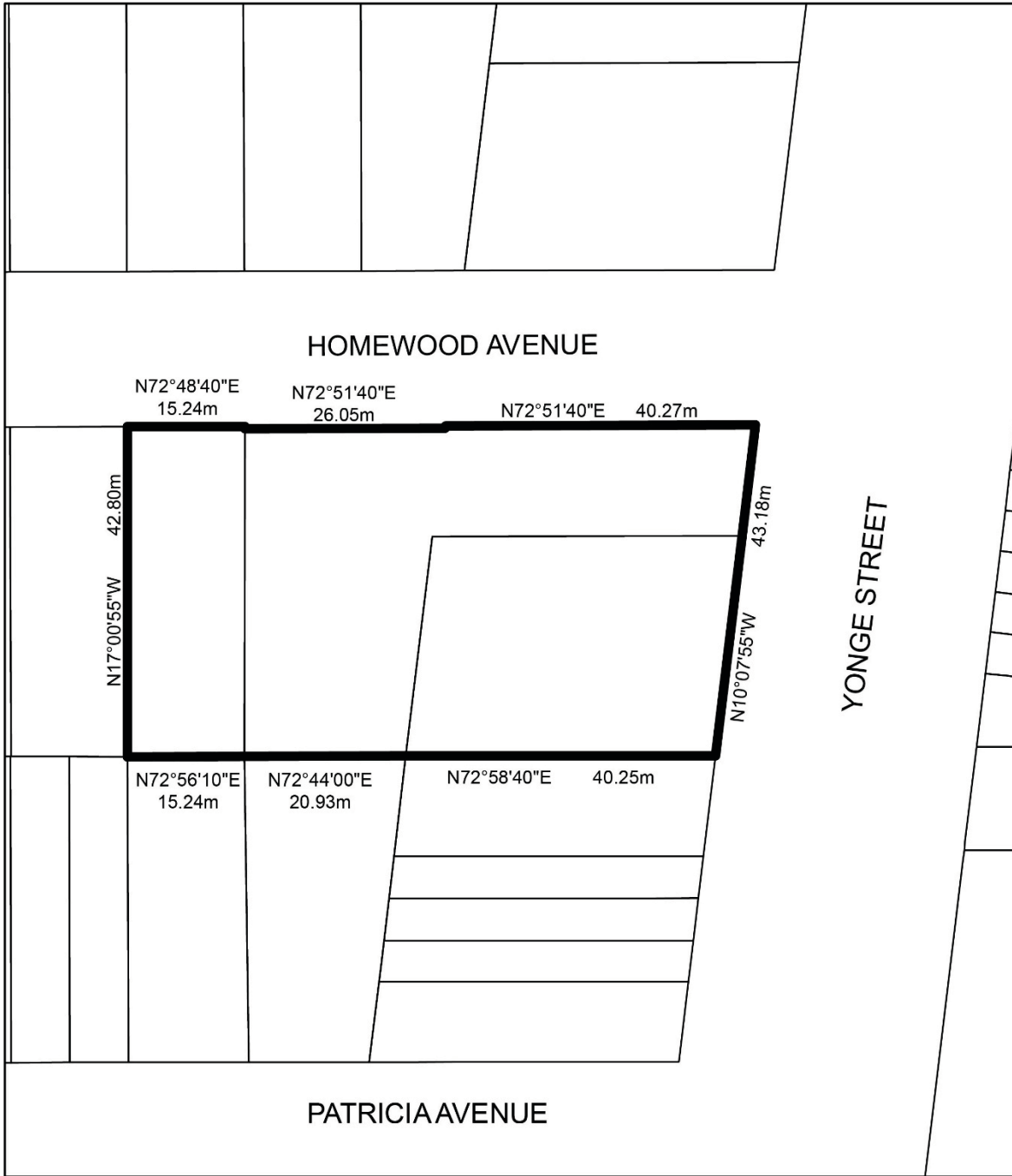
Pursuant to Ontario Land Tribunal Decision issued on November 30, 2021 and Order issued on August 10, 2022 in Tribunal Case PL200613.

SCHEDULE A
Section 37 Requirements

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands shown on Diagram 1 in this By-law and secured in an agreement under Section 37(3) of the Planning Act where the owner agrees as follows:

1. Prior to issuance of the first above-grade permit, the owner shall pay to the City a cash contribution of two million nine-hundred thousand dollars (\$2,900,000.00) (the "Cash Contribution") to be allocated towards capital community services and facilities in the vicinity of the lands to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. The Cash Contribution set out in Subsection 1 above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date of the payment of the Cash Contribution by the owner to the City.
3. In the event the Cash Contribution in Subsection 1 has not been used for the intended purpose(s) within three (3) years of this By-law coming into full force and effect, the Cash Contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the site.
4. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - (A) The construction and maintenance of the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by City Council at its meeting held October 27 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, and as updated by Toronto City Council at its meeting held December 5, 6, and 7, 2017.
 - (B) The owner shall implement any required recommendations and/or mitigation measures from the accepted Environmental Noise and Vibration Assessment Report, Wind Study, Traffic Impact Study, Traffic Demand Management Plan, Landscape Plan, Parking and Loading Study, through the Site Plan approval process for the site, to the satisfaction of the Chief Planner and Executive Director, City Planning.

Diagram 1



6080 Yonge Street and 11 Homewood Avenue

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Diagram 2

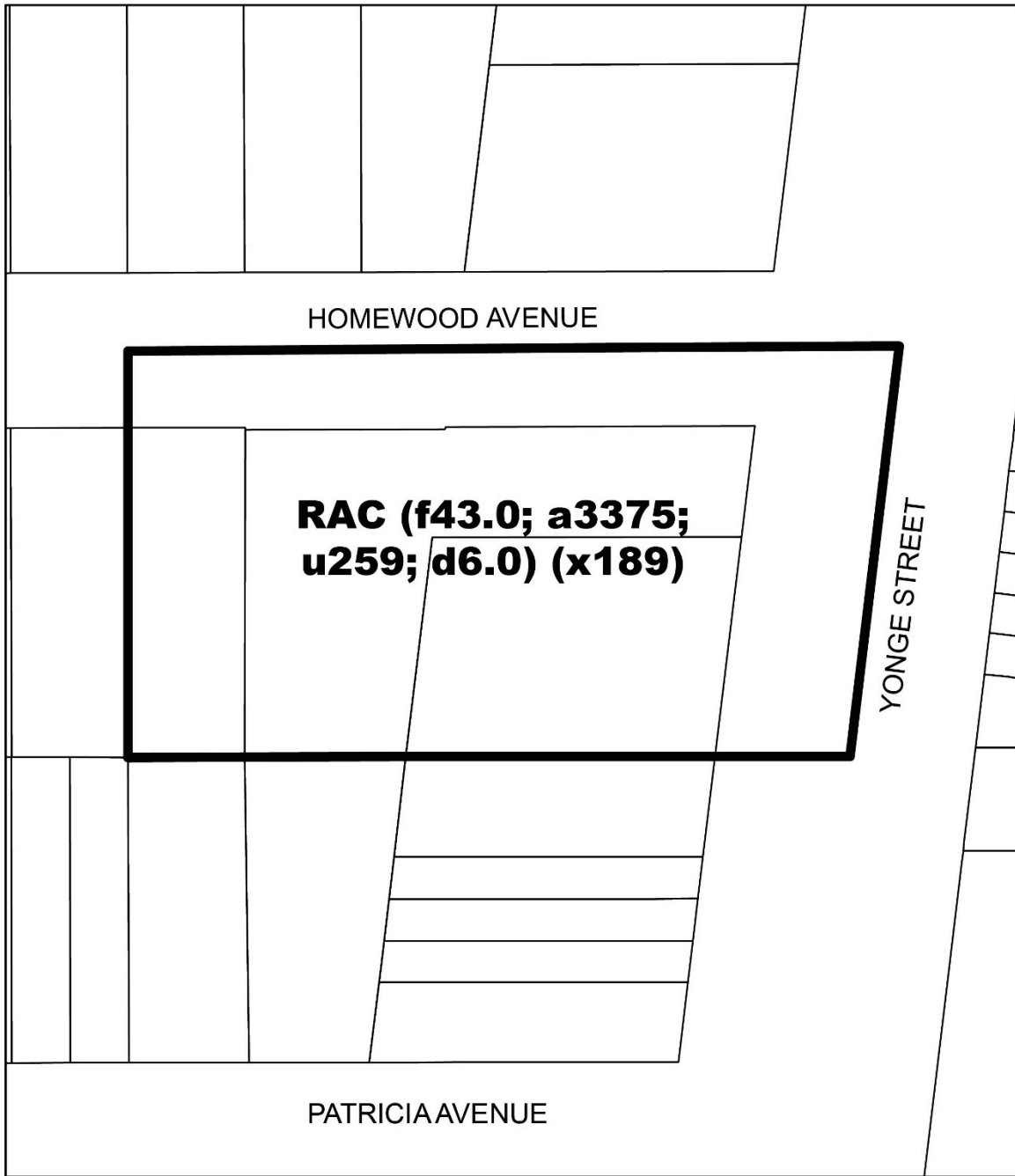
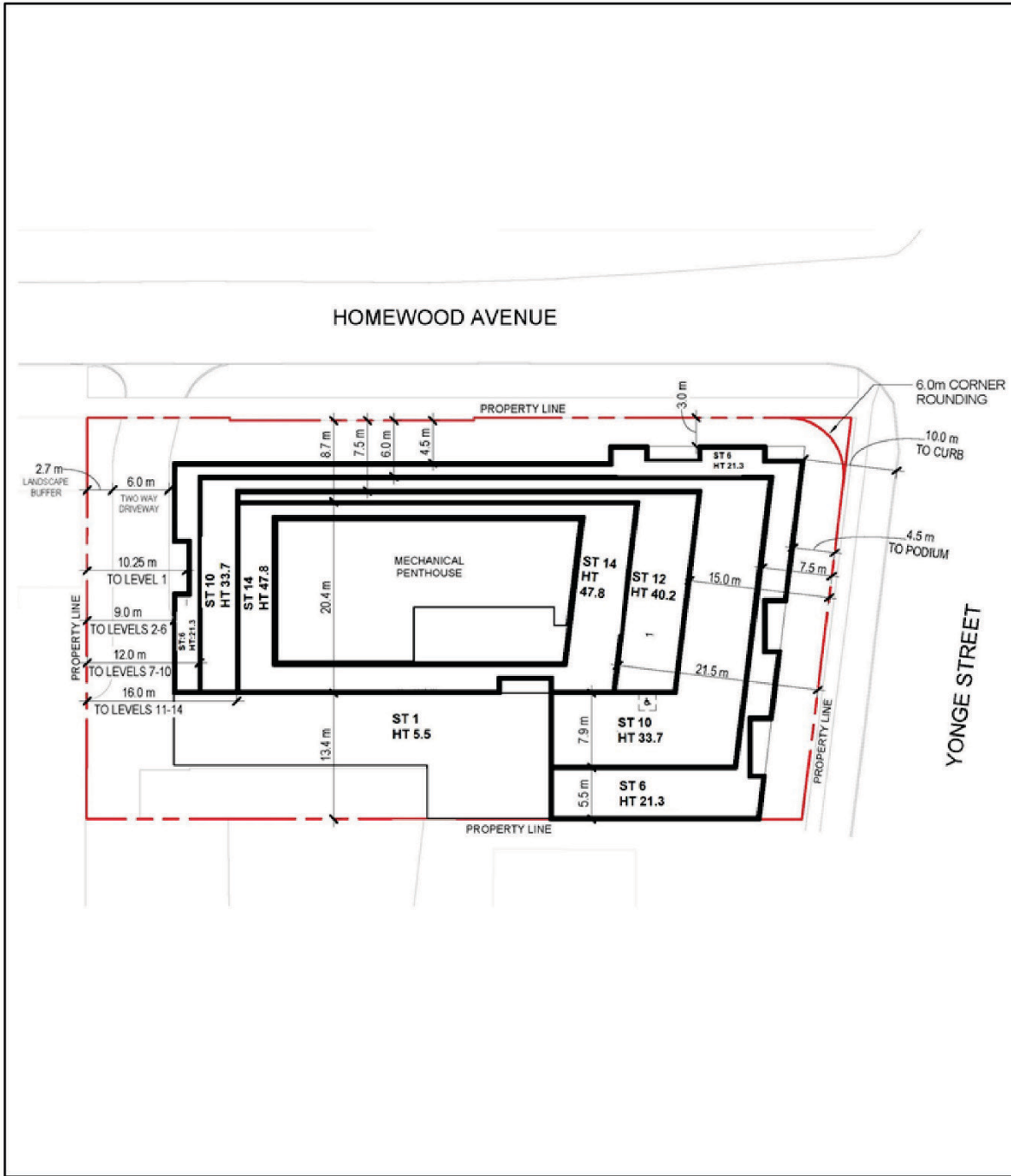


Diagram 3



 **TORONTO**
Diagram 3

6080 Yonge Street and 11 Homewood Avenue

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